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Total Number of Pages in This Submission

18

Application Number	10/763,719
Filing Date	January 23, 2004
First Named Inventor	Thomas Zdeblick et al.
Art Unit	3774
Examiner Name	Alvin J. Stewart
Attorney Docket Number	MSDI-200/PC261.21

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
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Printed name	Brad A. Schepers		
Date	August 28, 2008	Reg. No.	45,431

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Alvin J. Stewart
)	
Serial No. 10/763,719)	Group Art Unit 3774
)	
Filed January 23, 2004)	Ref. No. MSDI-200/ PC261.21
)	
METHODS AND INSTRUMENTS)	August 28, 2008
FOR INTERBODY FUSION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated July 28, 2008, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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August 28, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

August 28, 2008

Date of Signature

INTRODUCTORY COMMENTS

Claims 15-23, 39-43, 45-47, 49-52, 54, 55, 65, 67 and 71 were pending in the subject application for the non-final Office Action dated July 28, 2008. Claims 15-23, 41-43, 51, 52, 65 and 67 have been allowed. Claim 39 has been withdrawn from consideration. The remaining claims currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.